

**PASQUOTANK COUNTY, NORTH CAROLINA
MARCH 18, 2013**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, March 18, 2013 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT:

Jeff Dixon, Chairman
Joseph S. Winslow, Jr., Vice-Chairman
Cecil Perry
Dr. William R. Sterritt
Gary G. White
Frankie Meads

MEMBERS ABSENT:

Lloyd E. Griffin, III (*Out of Town*)

OTHERS PRESENT:

Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Jeff Dixon. Commissioner Frankie Meads gave the invocation and Chairman Dixon led in the Pledge of Allegiance to the American Flag.

1. **PRESENTATION OF PROCLAMATION FOR FARM WORKER AWARENESS WEEK:**

Chairman Dixon called on representatives from Albemarle Health's Migrant Health Program to receive a proclamation for Farm Worker Awareness Week. He read and then presented the following proclamation to Zary Ortiz, Outreach Coordinator for the Farm Workers Health Program; Carlos Pineda, a farm worker; and Zulma Johnson, an Outreach Worker with the Farm Worker Program.

**PROCLAMATION
FARM WORKER AWARENESS WEEK**

WHEREAS, eighty-five percent of fruits and vegetables produced in the United States are harvested by hand; and

WHEREAS, agriculture is North Carolina's leading industry; and

WHEREAS, North Carolina is among the top six states in farm worker population at more than 150,000; and

WHEREAS, each farm worker receives only six cents of each food dollar yet their labor contributes more than \$12,000 in profits annually to the state's economy; and

WHEREAS, agriculture contributes nearly \$44,000,000 to the County's economy each year; and

WHEREAS, Albemarle Health and the Gateway Community Health Centers' Migrant and Seasonal Farm Worker Program recognize March 24-31, 2013, as Farm Worker Awareness Week with the theme "Got Food? Thank a Farm Worker."

NOW, THEREFORE, BE IT RESOLVED that the Pasquotank County Board of Commissioners proclaims March 24-31, 2013, as **FARM WORKER AWARENESS WEEK** in Pasquotank County and urges all our citizens to acknowledge the valuable contributions farm workers make to our economy, our community and our well-being.

In witness whereof I have hereunto set my hand and caused the seal of Pasquotank County to be affixed this 18th day of March, 2013.

Ms. Ortiz said it is an honor to receive the proclamation for Farm Worker Awareness Week. She stated that more awareness is needed for those who put food on the tables. She added that her father was a farm worker and thanks to him she is here tonight.

2. PRESENTATION OF CHECK FOR DISABLED AMERICAN VETERANS:

Chairman Dixon stated that Mr. Wade Reid appeared before the Board last month and requested a contribution for the Disabled American Veterans so that they can take a trip to Washington, DC to visit the memorials. He stated that the Board approved the contribution at its last meeting and would like to present it to Mr. Reid at this time. He presented a \$500 check to Mr. Reid and two members of the K.J. Eyer Chapter of the Disabled American Veterans to assist with the travel expenses for a trip to Washington, DC for veterans.

3. PUBLIC HEARING ON ZONING TEXT AMENDMENTS:

Chairman Dixon called on Planning Director Shelley Cox to outline Zoning Text Amendment ZTA 13-01. Mrs. Cox explained that staff is proposing this text amendment regarding solar energy because there has been a great deal of interest expressed over the last several years for solar energy, both as residential accessory uses and for solar farms. She said staff felt there was enough interest in the community that they needed to draft an ordinance to allow the Board to consider this as a possible use in the county. She noted that state laws state that counties cannot prohibit residential solar collectors, but can regulate the location and require screening as long as the ordinance does not prevent reasonable use of solar collectors for residential properties. She said in the past staff has interpreted that solar collectors are permitted as an accessory use, but it was not spelled out in the ordinance. Mrs. Cox stated that last summer when the solar farm ordinance was drafted, the Special Projects Committee requested that the ordinance also include solar panels or solar collectors as an accessory use in that draft ordinance. She explained that most counties and cities within North Carolina now have some sort of solar ordinance because there is so much interest in it. She said the ordinance has been written so that in order to consider it as an accessory use for residential or commercial, the footprint of the solar collector cannot exceed the footprint of the building, whether roof-mounted or ground-mounted. She provided several pictures showing solar panels used in residential and commercial applications. Mrs. Cox said it is proposed that solar collectors be permitted as an accessory use in every zoning district. She stated that the draft ordinance requires that a conditional use permit be issued for solar farms which gives the Board the authority to review the application and place certain conditions as part of the approval. The ordinance also includes decommissioning requirements if a solar farm is closed for more than 10 months. Mrs. Cox advised that the Planning Board reviewed this text amendment on April 28 and voted to recommend approval.

Chairman Dixon declared the meeting to be a public hearing on Zoning Text Amendment ZTA 13-01 and he asked if anyone from the public would care to address the Board. At the absence of comments, the public hearing was closed and he asked for comments from members of the Board.

Vice-Chairman Joe Winslow asked what the decommissioning bond is based on. Mrs. Cox said the required bond is an amount equal to the estimated removal cost of the solar collectors, cabling, electrical components, and any other associated facilities less the salvage value of the equipment. She added that this would provide some remedy to clean up any abandoned solar farm. The homeowner using solar collectors as an accessory use would not be required to submit a decommissioning bond.

Commissioner William Sterritt asked Mrs. Cox if there have been inquiries regarding solar facilities. Mrs. Cox responded that there have been inquiries from both homeowners interested in having solar collectors as an accessory use, and from real estate agents representing clients looking for a location for a solar farm.

Commissioner Frankie Meads asked if there are many solar facilities in the county. Mrs. Cox said there are only a couple for residential uses in the county and the city. Commissioner Meads questioned the need for the zoning regulations if there is not much interest in solar energy. Mrs. Cox noted that the Planning Department has probably received eight to ten phone calls asking about residential solar collectors in the last three years. She said if a homeowner wants to install solar facilities, she wants to make sure it is clear in the county's ordinance that they are allowed to do this.

Chairman Dixon added that this is a lot more complicated than just installing the panels to offset a utility bill. He said once the panels are installed, the power is sold back to the grid and the property owner receives a credit on his electric bill. He asked Mrs. Cox how safe it would be if these solar panels should show up in the landfill. Mrs. Cox said she cannot answer that question, however she has researched at least 50 similar ordinances and none address the landfill issue.

Commissioner Cecil Perry asked if solar farms would be allowed any place in the county. Mrs. Cox responded that it is proposed that solar farms be permitted in industrial districts and agricultural districts as a conditional use. The solar collectors for residential use would be permitted in all districts.

A motion was made by Commissioner Frankie Meads to table Zoning Text Amendment ZTA-13-01 until after the budget is completed this year in order to study what effects this would have on the landfill. After discussion the motion was withdrawn.

The Board agreed to make a decision on ZTA 13-01 after considering the next zoning text amendment.

Chairman Dixon called on Planning Director Shelley Cox to outline Zoning Text Amendment ZTA 13-02. Mrs. Cox explained that this amendment would address both small scale and medium scale wind energy facilities primarily for residential use. She noted that regulations for large wind facilities were adopted two years ago. There would be no minimum lot size for small wind facilities, however a conditional use permit would be required which would be issued by the Board of Commissioners. The wind facilities would be allowed in all districts except the Residential Mobile Home districts and the Multi-Family districts where the lot sizes tend to be smaller and the homes closer together. The maximum height of the small turbines would be 120 feet. Medium scale facilities would require a conditional use permit and they would only be permitted in the Commercial, Industrial, Agricultural, Office & Institutional, and Prison districts. Sound and shadow flicker requirements would apply to all wind energy facilities regardless of size (maximum 55 decibels as measured from an occupied building of a nearby property). A decommissioning bond would be required for medium scale facilities prior to a building permit being issued. Mrs. Cox advised that the Planning Board voted to recommend approval of this zoning text amendment on February 28th.

Chairman Dixon declared the meeting to be a public hearing on Zoning Text Amendment ZTA 13-02 and he asked if anyone would care to comment on the proposed amendment. At the absence of comments, the public hearing was closed and Chairman Dixon asked for comments from the Board.

Commissioner Frankie Meads asked if there are any windmills in Pasquotank County. Mrs. Cox stated that at one point there was one in the Newland area, but she does not know if it is still there. Commissioner Meads said it is still there, but it does not work. He referred to a situation regarding a windmill at Blackwater. He said the cost of the windmill was \$160,000 and it saved them \$5,000 per year for three years in energy costs, but maintenance costs have run \$80,000. He stated that lightning has hit the windmill three times. Commissioner Meads added that he does not believe there is sufficient technology for wind energy facilities yet. He stated that he does not believe the Board needs to make rules the county will not be using until there is a need for them. He noted that one of the problems nationwide with the economy is that there are too many regulations.

Mrs. Cox explained that the only reason these proposed regulations are being brought before the Board is because her office has received phone calls from interested citizens. She said the regulations will provide an option to allow someone to construct such a facility and without the regulations they would not be able to.

Vice-Chairman Joe Winslow stated that wind energy and solar energy are in the forefront in the news all the time. He said the county should be prepared in advance and cannot wait until there is a need before adopting guidelines. He stated that everyone is looking for ways to lower their utility bills and this technology would provide that opportunity. He said he thinks these regulations are needed and he applauded staff for taking time to develop them.

Commissioner Cecil Perry asked if any research has been done on the effect the sound waves from windmills would have on animals. Mrs. Cox responded that there are some provisions in

the ordinance that limit sound and shawdowflicker effects on adjoining properties. She said the noise level cannot exceed 55 decibels on adjoining property and shadowflicker cannot exceed 30 hours per year. She stated that she has done some research regarding the health effects, however she has not been able to find any scientific evidence or studies that have proven that there are detrimental effects.

County Manager Randy Keaton said in response to a question about effects on the landfill, he would like to point out that these wind turbines as well as the solar panels are landfill waste generators, but all of the materials are recyclable because they are mostly made of metal. He stated that he does not think there would be a big concern about the effects on the landfill. He added that tipping fees would have to be paid for any of this waste that is brought to the landfill.

Commissioner Gary White asked if regulations are not in place to address the solar collector or the wind turbine issues, whether they will be allowed. County Attorney Mike Cox stated that the general rule is if an activity is not addressed in the table of permitted uses in the zoning ordinance, it is not permitted.

Commissioner Frankie Meads noted that since zoning regulations have been adopted, it has restricted what could be done and caused the economy to go down. Assistant County Manager Rodney Bunch stated that he believes from a planning standpoint that zoning helped the county plan for where it wanted development to occur and also improved what that development looked like.

Motion was made by Joe Winslow, seconded by William Sterritt to adopt the following consistency statement regarding Zoning Text Amendment ZTA 13-01:

ZTA 13-01 is consistent with the following policy contained within the Pasquotank County-Elizabeth City Advanced Core Land Use Plan (adopted January 9, 2012):

- *Pasquotank County Land Use Compatibility Policy 1: Ensure that land use and development activities provide a balance between economic development needs and protection of natural resources and fragile environments.*

The text amendment is reasonable and in the public interest because it will permit the usage of alternative energy sources within the county.

and to approve the following text amendment as presented by staff.

Discussion followed and Commissioner Meads suggested if the zoning text amendment is approved that there be no cost to the homeowner for associated permits. Chairman Dixon said this would have to be addressed separately in the county's fee schedule.

The motion carried 6-0.

ZTA 13-01
Solar Facilities

Purpose of amendment is to establish an ordinance that regulates solar facilities within Pasquotank County.

ARTICLE 4
DEFINITIONS OF TERMS

SECTION 4.02 – WORD AND TERM DEFINITIONS

93. **Solar Collector:** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
94. **Solar Farm:** A facility used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption.

SECTION 8.02 – NOTES TO THE TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS

NOTE 3.

f. Solar Collectors

Roof-mounted or ground mounted solar collectors are permitted as an accessory use in all zoning districts. In order to be classified as an accessory use, the area of the system shall not exceed the footprint of the principal structure and shall meet the following requirements:

- Solar collectors shall be configured to avoid glare and heat transference to adjacent properties.
- The system shall not be located within 10 feet of any side or rear lot line.
- Solar collectors located within a front yard shall meet the minimum setbacks required in Section 8.01.

SECTION 9.04 - Additional Restrictions Imposed on Certain Special and Conditional Uses

The Board of Adjustment or the Board of Commissioners may grant permission for the establishment of the following uses, subject to any specific conditions either set forth below or which the Board may deem necessary to satisfy the conditions set forth in Section 9.02 of this Article.

9.04-29 Solar Farms - Solar farms are permitted in districts as designated in the Table of Permitted Uses, subject to the following requirements:

- a. Structures shall not exceed twenty-five (25) feet in height, as measured from grade at the base of the structure to its highest point;
- b. Solar farm facilities and structures shall conform to the minimum building setback requirements of the zoning district in which they are located, or thirty (30) feet, whichever is greater;
- c. Buffering
 1. Solar farms with panels located at least one hundred fifty (150) feet from an adjacent public street right-of-way, residentially zoned property, or residential use shall not require screening;
 2. Solar farms with panels that are located less than one hundred fifty (150) feet from an adjacent public street right-of-way, residentially zoned property, or residential use shall require screening in accordance with the landscape standards found within Article 10 of the Zoning Ordinance.
- d. Solar farms shall be developed in accordance with an approved site plan that includes the following information:
 - The location of the solar farm facility (including the arrangement of any existing or proposed buildings, structures, or panels);
 - The distance from any proposed solar farm facility or structure to the surrounding property lines;
 - Any existing or proposed signs, fencing, lighting, parking areas, driveways, landscaping, vegetative screening or required buffers;
 - Horizontal and vertical (elevation) to-scale drawings with dimensions of proposed solar collector structures

e. Solar energy components must have a UL listing and must be designed with anti-reflective coating(s).

f. Decommissioning:

1. Solar farm owners shall have twelve (12) months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of twelve (12) months. This period may be extended by the Pasquotank County Board of Commissioners, if evidence is provided that the delay is due to circumstances beyond the facility owner/operator's reasonable control.

2. Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other associated facilities down to thirty-six (36) inches below grade.

3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas are not to be restored.

4. Prior to the issuance of a building permit, the owner of a solar farm shall provide a bond or irrevocable letter of credit in favor of the County in an amount equal to the estimated removal cost of the solar collectors, cabling, electrical components, and any other associated facilities, less the salvage value of the equipment prior to construction. If the solar farm owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in northeastern North Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Conditional Use Permit.

Section 7.01 - Table of Permitted Uses

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	R-35	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
TRANSPORTATION, COMMUNICATION & UTILITIES																	
Solar Collector (See Section 8.02, Note 3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Farm (See Section 9.04-29)										C	C	C	C	C			

Districts in which particular uses or similar uses are permitted as a Use By Right are indicated by "P". Districts in which particular or similar uses are permitted a Use By Right with certain conditions are indicated by "P" with a reference to a footnote to this Table.

Districts in which particular uses or similar uses are permitted as a Conditional Use upon approval of the Board of Commissioners are indicated by "C".

Motion was made by Joe Winslow, seconded by Gary White to adopt the following consistency statement regarding Zoning Text Amendment ZTA 13-02:

ZTA 13-02 is consistent with the following policy contained within the Pasquotank County-Elizabeth City Advanced Core Land Use Plan (adopted January 9, 2012):

- *Pasquotank County Land Use Compatibility Policy 1: Ensure that land use and development activities provide a balance between economic development needs and protection of natural resources and fragile environments.*

The text amendment is reasonable and in the public interest because it will permit the usage of alternative energy sources within the county.

and to approve the following text amendment as presented by staff. The motion carried 6-0.

ZTA 13-02
Small and Medium Wind Energy Facilities

Purpose of amendment is to establish an ordinance that regulates small and medium wind energy facilities within Pasquotank County.

ARTICLE 4
DEFINITIONS OF TERMS

SECTION 4.02 - WORD AND TERM DEFINITIONS

113. Wind Energy Facility, Small: A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single Wind Turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20kW or less.
114. Wind Energy Facility, Medium: A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics which has a total rated capacity of more than 20kW but not greater than 100 kW.
115. Wind Energy Facility, Large: A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100kW.

SECTION 9.04 - Additional Restrictions Imposed on Certain Special and Conditional Uses

The Board of Adjustment or the Board of Commissioners may grant permission for the establishment of the following uses, subject to any specific conditions either set forth below or which the Board may deem necessary to satisfy the conditions set forth in Section 9.02 of this Article.

- 9.04-30 Wind Energy Facilities - Wind energy facilities may be permitted in districts as designated in the Table of Permitted Uses, subject to the following requirements:
- a. Permit applications for a Wind Energy Facility shall contain the following:
1. A narrative describing the Wind Energy Facility, including an overview of the project;
 2. The proposed total rated capacity of the Wind Energy Facility;
 3. The specific number, representative types and height or range of heights of wind turbines to be constructed; including their rated capacity, dimensions and respective manufacturers, and a description of ancillary facilities;
 4. Identification and location of the properties on which the proposed Wind Energy Facility will be located;
 5. A site plan showing the planned location of all wind turbines, property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and property lines, demonstrating compliance with all applicable setbacks;
 6. Any Environmental Assessment required by the state or federal law;
 7. Other relevant information as may be reasonably requested by Pasquotank County to ensure compliance with the requirements of this Ordinance;
 8. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds

- will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored;
9. Documentation of agreement between participating landowner(s) and the applicant; and
 10. Signature of the applicant.
- b. Throughout the permit process, the applicant shall promptly notify Pasquotank County of any proposed changes to the information contained in the permit application that would materially alter the impact of the project.
 - c. Changes to the approved application that do not materially alter the initial site plan may be administratively approved by the Pasquotank Planning Department.
 - d. A temporary anemometer or meteorological tower, for the purpose of gathering data on wind speeds and directions, may be installed with the issuance of a zoning permit and must be setback from all property lines at a distance equal to one linear foot for every foot of height. Zoning permits shall be valid for a period of one year and may be renewable in the event that more data is needed to determine the viability of a wind energy project. Prior to the issuance of a building permit for an anemometer or meteorological tower, a decommissioning bond or letter of credit shall be required in an amount equal to the estimated removal cost of the structure.
 - e. Setbacks shall be calculated by multiplying the required setback number by the Wind Turbine Height and measured from the center of the Wind Turbine base to the property line, nearest point on a public road right-of-way, or nearest point on the foundation of a dwelling or occupied building.

Facility Type	Minimum Lot Size	Minimum Setback Requirements				Maximum Height
		Occupied Buildings* (Participating Property)	Occupied Buildings* (Non-Participating Property)	Property Lines (Non-Participating Property)	Public Roads	
Small Facility		0.0	1.5	1.0	1.5	120'
Medium Facility	5 Acres	1.1	2.0	1.5	1.5	250'
Large Facility	25 Acres	1.1	2.5	1.5	1.5	600'

* For the purposes of this Section, farm or accessory structures shall not be considered as occupied buildings.

f. Sound and Shadow Flicker

1. Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any Occupied Building on the property of a non-participating landowner.
2. Shadow flicker at any Occupied Building on a non-participating landowner's property caused by a Wind Energy Facility must not exceed thirty (30) hours per year.
3. Sound and/or shadow flicker provisions may be waived by a property owner so long as such waiver is in writing, signed by the property owner and recorded in the Pasquotank County Register of Deeds office.

g. Installation and Design

1. The installation and design of the Wind Energy Facility shall conform to the applicable industry standards, including those of the American National Standards Institute, and take into consideration of local conditions.

2. All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

3. The visual appearance of a wind turbine shall at a minimum:

- A) Be a non-obtrusive color such as white, off-white or gray;
- B) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and
- C) Not display advertising (including flags, streamers or decorative items), except for identification of the wind turbine manufacturer, facility owner and operator.

h. Decommissioning

1. The wind energy facility owner shall have twelve (12) months to complete decommissioning of the wind energy facility if no electricity is generated for a continuous period of twelve (12) months. This period may be extended by the Pasquotank County Board of Commissioners, if evidence is provided that the delay is due to circumstances beyond the facility owner/operator's reasonable control.

2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to thirty-six (36) inches below grade.

3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas are not to be restored.

4. Prior to the issuance of a building permit, the owner of a Medium or Large Wind Energy Facility shall provide a bond or irrevocable letter of credit in favor of the County in an amount equal to the estimated removal cost of the Wind Energy Facility, less the salvage value of the equipment prior to construction. If the Wind Facility Owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in northeastern North Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Conditional Use Permit.

Section 7.01 - Table of Permitted Uses

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	R-35	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1	
TRANSPORTATION, COMMUNICATION & UTILITIES																		
Wind Energy Facility, Small (See Section 9.04-30)	C	C	C	C	C					C	C	C	C	C	C			C
Wind Energy Facility, Medium (See Section 9.04-30)										C	C	C	C	C	C			C
Wind Energy Facility, Large (See Section 9.04-30)													C	C				

Districts in which particular uses or similar uses are permitted as a Conditional Use upon approval of the Board of Commissioners are indicated by "C".

Chairman Dixon asked Mrs. Cox to outline Zoning Text Amendment ZTA 13-03. Mrs. Cox explained that the purpose of Zoning Text Amendment 13-03 is to establish an ordinance to allow rural home occupations within Pasquotank County. She said currently the Zoning Ordinance does allow home occupations, however the regulations are very restrictive allowing only 25% of the total floor space of the home to be used to operate the business. This 25% is limited to the home itself and does not allow an outbuilding to be used for a home occupation. The ordinance does not allow outside employees as part of that business activity. She stated that

with the current economy, this amendment would allow more small businesses in the county to operate as part of their home occupation. The proposed amendment would divide home occupations into customary home occupations which are traditional home occupations that are currently allowed, and rural home occupations which would allow for the expansion of home businesses that can include outbuildings and up to three outside employees. Mrs. Cox explained that rural home occupations would require a conditional use permit which would allow the Board of Commissioners the opportunity to review what businesses would be operated in case there are adjoining property owners that might have concerns. She said the owner of the business would have to reside on the property in which the business is located. Rural home occupations should be located on a tract of two acres or more and the total floor area of all buildings occupied by the rural home occupation shall not exceed 2,500 feet. A thirty foot setback would be required for all business operations on the property to provide buffers for adjoining properties. The business shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors. The intent of this is not to allow for commercial retail operations to open up in someone's backyard; the intent is to allow non-residential uses such as assembling products, business or professional services, or stock and trade services. Mrs. Cox advised that the Planning Board reviewed this request on February 28 and voted to recommend approval of the zoning text amendment.

Chairman Dixon declared the meeting to be a public hearing on Zoning Text Amendment ZTA 13-03 and he asked if there were any comments. At the absence of comments, the public hearing was closed and Chairman Dixon asked for comments or questions from the Board.

Commissioner Gary White asked how this would affect any home occupations currently in existence. Mrs. Cox stated that any businesses that existed prior to zoning are grandfathered in.

Commissioner Cecil Perry asked how the number three was determined for the number of outside employees. Mrs. Cox said it was felt the number of outside employees needed to be limited so that the business would not generate too much traffic because it is a home occupation. She said in her research of other counties' ordinances three was the maximum number of employees that she saw, and she wanted the regulations to be as permissive as possible. Commissioner Perry also asked why the home business can only occupy 25% of the home. Mrs. Cox said the home occupations that are currently allowed are restricted to 25% of the total space of the residence. She stated this was put in place in order to allow someone to have a home-based business but minimized the traffic impacts for the area. Mr. Bunch added that another consideration when home occupations were permitted in residential areas was to ensure that the house remained as a residential use. He said if there were not a limit, 100% of some of the houses could be used as commercial businesses.

Commissioner William Sterritt asked if existing home businesses that do not comply with the new regulations would have to obtain a conditional use permit. Mrs. Cox responded that if the businesses have been operating since zoning was initially adopted, they are grandfathered in and no additional approvals would be needed. Commissioner Sterritt asked who is enforcing this rule. Mrs. Cox stated that it is the Planning Department's job to enforce the rule and they operate generally on a complaint basis due to their limited staff. She added that the Code Enforcement Officer investigates any complaints.

Chairman Dixon asked if these proposed regulations would overrule any regulations of a homeowners association that might not permit a home-based occupation. Mrs. Cox stated that the county does not get involved in restrictive covenants that homeowners associations might adopt and their regulations are in addition to zoning regulations.

Vice-Chairman Joe Winslow asked how these regulations would relate to farmers who have their homes as their place of business. Mrs. Cox stated that State Statute has a bonafide farm exception and anything related to bonafide farm use is exempt from zoning.

Motion was made by Gary White, seconded by Frankie Meads to delay consideration of Zoning Text Amendment ZTA 13-03 for further study. The motion carried 6-0.

4. AMENDMENTS TO THE AGENDA:

Chairman Dixon asked if there were any amendments to the agenda. It was requested that the agenda be amended to add the following items to the agenda: 1) Approval of recommendation

from the Finance Committee to approve the installation of one "No Wake" buoy in a canal in Glen Cove Subdivision adjacent to 245 Windwood Drive at a cost of \$200 subject to the individual requesting the buoy paying the county the \$200 cost upfront; 2) Correction of Salary for Landfill Equipment Operator; and 3) Closed Session to discuss a personnel matter.

Motion was made by Joe Winslow, seconded by Gary White to amend the agenda to add items #1 and #2 above to the Consent Agenda and to add a Closed Session to discuss a personnel matter at the end of the meeting. The motion carried 6-0.

5. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

- a. Approval of Minutes of March 4, 2013 Commissioner Meetings
- b. Approval of Tax Releases and Refunds
The Finance Committee has recommended approval of the following tax releases, refunds and solid waste fee releases and refunds:

Releases:

		County	City
1.	Salvatore Leone IV	186.37	
2.	Glenn Scott Sapp	128.77	
3.	Elizabeth City State University	3,904.45	
4.	James Anthony Jackson	231.94	185.17
5.	Raul Ambriz	142.41	118.70
6.	Stanford Alliston Henry, Jr.	142.66	118.90
7.	Michael Anthony Kellogg	144.83	120.63
8.	Gregory Mark Rehlender	202.18	166.42
9.	Wesles Lubin	135.78	
10.	George Markinkov, Jr.	119.66	

Refunds:

1.	Kyle A. Kinser	105.45	84.09
2.	Kyle A. Kinser	104.95	83.54

Solid Waste Releases:

Owner's Name	Parcel ID Number	Reason for Release
Mary Foskey	29-C-17	House not livable
Steve R. Harris	P11-9	House vacant for 11 years

Solid Waste Refunds:

Herbert Davenport III	P110-58	House not livable
Herbert G. III & Linda Davenport	51-C-3B-4-5-6AB	Apartment vacant since 1980
Wade Staten, Sr. & Mitchell Davis	P122A-103	House not livable

- c. Approval of Family Subdivision Request FS 13-03 by William H. Garrett to Give a Gift Lot to a Daughter

Staff has recommended approval of Family Subdivision Request FS 13-03 by William H. Garrett. Mr. Garrett is requesting to create a one acre gift lot for a child, Lynda Garrett Bafle at 628 Griffin Swamp Road in accordance with Article 5, Section 303 of the Pasquotank County Subdivision Ordinance. The residual lot would be +/- eight acres. A total of 212.5 feet of road frontage is provided for the proposed lot off of Griffin Swamp Road. A birth certificate has been provided as documentation that the plat qualifies as a family subdivision. Staff has advised that the request meets the minimum requirements for a family subdivision.

- d. Approval of Request for No Wake Buoys

The Finance Committee has recommended approval of the installation of a "No Wake" buoy in the canal adjacent to 245 Windwood Drive in Glen Cove Subdivision, provided the property owner making the request, Faye Latham, pays the \$200 cost of the buoy upfront.

- e. Correction of Salary for Landfill Equipment Operator

The Finance Committee has recommended a correction in the salary for James White, a landfill equipment operator. The Board had previously approved a salary of \$29,165 which was Grade 12, Step 7, however the correct salary should have been \$30,160.

Motion was made by Joe Winslow, seconded by Cecil Perry to approve the Consent Agenda as amended. The motion carried 6-0.

The following tax releases have been approved by the Finance Officer:

Releases:		County	City
1.	Shabrae Tafquil Riddick	29.20	23.31
2.	Deborah Ann Banks	29.07	21.80
3.	Bonnie Louise Laster	68.32	59.55
4.	Javon Rashim Holmes	48.17	
5.	Troy Conrad Elmore	22.56	
6.	William Jeffrey Spear	75.89	
7.	Eugene Combs	13.70	
8.	Eugene Combs	23.18	
9.	Eugene Combs	7.43	
10.	David Eugene McEntire	20.52	
11.	Ryan Christopher Spurrell	16.24	12.18
12.	Christopher Jon Ingus	45.82	39.36
13.	Christopher Jon Angus	26.35	24.76
14.	Melanie Olivia Mathewson	35.65	26.73
15.	Amanda Irene Byard	33.91	27.07
16.	Eulanda Faye Armstrong	3.47	2.77
17.	Jenny Mae Gay	18.69	
18.	William Gibbs	8.43	6.32
19.	Samantha Dawn McEntyre	59.77	
20.	Jesse Wayne McLawhorn	3.59	
21.	Adrienne Nichole Barnett	1.64	
22.	Irvin Thomas Higgins	4.83	3.86
23.	Jeffrey Allen Webb	18.60	
24.	Glenn Speight Equipment Repair	4.34	8.47
25.	Aleene Jackson Davis	55.42	
26.	Robin Sue Ryan	9.92	7.92
27.	Margaret Ann Mathews	4.58	3.66
28.	Linda Darlene Clark	33.60	26.82
29.	Elisha Thomas Dillard, Jr.	30.44	22.83
30.	Michael Todd Siniard	59.64	
31.	Steven Taylor Fink	70.87	58.15
32.	Tammy Lee Hibbert	23.22	
33.	Lemuel Lee Riggs	76.82	
34.	Bruce Leon Eckenrode II	45.63	36.21
35.	Julia Kim Moneymaker	30.57	
36.	Cathy Midgett Satterfield	92.94	
37.	Robert Quinton Marangoni	24.74	
38.	Zachary Dean Farley	51.65	
39.	Randy Dane Midgett	28.64	27.87
40.	Moses Douglass, Jr.	16.80	
41.	Sherri A. Green	28.71	
42.	Peggy Haislip Bengé	45.13	36.03
43.	Clifford Long, Jr.		66.38
44.	Christina Marie Harrell	7.25	
45.	Donna Elaine Edgar	12.15	
46.	Barbara Anne Murray	13.33	
47.	Marvina Nichelle Griffin	51.02	
48.	Renee Lynn Tamarelli	41.78	31.34
49.	Renee Lynn Tamarelli	42.78	32.08
50.	Matthew Joshua Smock	71.73	
51.	Matthew Jackson Rae	99.57	

52.	Olde Lebanon Ltd.	19.40	
53.	Patricia Jean Miller	12.09	
54.	Jacqueline Dance Walker	10.23	8.16
55.	Jacqueline Dance Walker	8.27	6.60
56.	Richard Kenneth Soria		13.27
57.	Daniel Earl Phelps IV	92.13	36.38
58.	Jennifer Janette Shultz		
59.	Nykea Lashawn Bailey	8.06	6.43
60.	Stephanie Latoya Fennell	9.92	7.92
61.	Kenessa Lychelle Lee	8.61	6.46
62.	Michael Todd Evans	61.38	
63.	John Lawrence Allen	25.38	
64.	Nina Becker Calderon	32.42	25.88
65.	Jeremy Austin McIntyre	19.59	19.69
66.	Jeremy Austin McIntyre	82.58	66.94
67.	Essie Marie Thompson	14.38	
68.	Franklin Richard Qualtrini	82.46	
69.	Kirk Cachola Johnson	81.34	
70.	Alice Josephine Felber	12.86	10.27
71.	Ashley Holland	60.33	
72.	Timothy Lenwood Jackson	8.37	6.68
73.	Charles Ronald Stuart	20.84	16.64
74.	Robert Malcolm Sherwood	5.03	
75.	Bryan Keith Barcliff	53.51	
76.	David B. & Leslie Otts	77.03	
77.	Chad Elliott Ginter	92.50	78.85
78.	Robert Fredric Taylor	83.82	67.87
79.	Trevor Jonathan Manners	88.60	75.74
80.	Derrick Eugene White	61.75	54.30
81.	Camrin Ann Marie Bonfiglio	86.74	74.25
82.	Kevin Grant Routten	38.19	
83.	Ramona Lynn Phillips	41.60	
84.	Harry Lee Harrell, Jr.	13.76	
85.	Pablo Gabriel Lagarde	78.37	
86.	Pablo Gabriel Lagarde	36.95	

6. APPROVAL OF EXTENSION FOR CLOSING ON NEW HOLLAND DEALERSHIP LOT:

The Board considered a request from Keith Chesson and Elwood Chesson to extend the closing for the 9.8 acre lot in the Pasquotank County Commerce Park they plan to purchase to locate a New Holland dealership. Closing was originally scheduled for March 18, 2013 and the Chessons are requesting an extension until April 30, 2013 to allow them to complete the loan process.

Motion was made by Joe Winslow, seconded by Cecil Perry to approve an extension of time until April 30, 2013 for Keith Chesson and Elwood Chesson to close on the lot they are purchasing in the Pasquotank County Commerce Park. The motion carried 6-0.

7. APPROVAL OF AGREEMENT TO PREPARE BID DOCUMENTS, TECHNICAL SPECIFICATIONS, AND BID SOLICITATIONS FOR ELIZABETH CITY MIDDLE SCHOOL RENOVATIONS:

The Board considered an agreement with Hyman & Robey, PC to prepare bid documents, technical specifications, and bid solicitations for renovations to the first floor of the former Elizabeth City Middle School Building for \$38,000. Payment for these services would be made from previously approved grant match funds.

Motion was made by Cecil Perry, seconded by Joe Winslow to approve an agreement with Hyman & Robey, PC to prepare bid documents, technical specifications, and bid solicitations for renovations to the first floor of the former Elizabeth City Middle School Building for \$38,000. The motion carried 6-0.

8. APPROVAL OF RESOLUTION OPPOSING THE DISPOSAL OF FRACKING WASTE IN EASTERN NORTH CAROLINA:

Chairman Dixon stated that he had requested that this resolution be drafted. He explained that Senate Bill 76 has been introduced which would allow fracking in the western part of the state, however one of the options for disposal of the fracking waste and byproducts is injection into deep wells in Eastern North Carolina. He requested that the Board adopt the resolution opposing the disposal of fracking waste in Eastern North Carolina.

Commissioner Gary White stated that he has done some research and has spoken with the Water Superintendent who advised him that the Rural Water Association also has concerns regarding disposal of the fracking waste into the aquifer.

Motion was made by Gary White, seconded by Cecil Perry to adopt the following resolution opposing the disposal of fracking waste in Eastern North Carolina. The motion carried 6-0.

RESOLUTION OPPOSING THE DISPOSAL OF FRACKING WASTE IN EASTERN NORTH CAROLINA

WHEREAS, hydraulic fracturing, or “fracking,” is a method of extracting natural gas that involves injecting, at an extremely high pressure, a mixture of water, sand, and toxic chemicals to break up shale or other rock formations otherwise impermeable to the flow of natural gas; and

WHEREAS, North Carolina does not currently allow either horizontal drilling or hydraulic fracturing, and the current North Carolina study of in-state shale gas resources and of the potential impacts of reversing this ban and allowing drilling and fracking to extract these resources was undertaken with insufficient time and without adequate funding; and

WHEREAS, Senate Bill 76, which would lift the state’s ban on fracking, was co-sponsored by Senator Bill Cook, was passed by the Senate, and will be considered by the House of Representatives; and

WHEREAS, fracking operations in North Carolina would be concentrated in Western North Carolina, however it has been reported that there are no viable options for disposal of fracking waste in the western part of the state and that Eastern North Carolina might be an option for deep-well disposal of fracking waste; and

WHEREAS, the wastewater produced from hydraulic fracturing includes carcinogenic, corrosive, and/or toxic salts, metals, chemicals and radioactive materials; and

WHEREAS, the disposal of fracking byproducts into the aquifer could have a detrimental impact on the environment, including contamination of drinking water wells and surface waters; and

WHEREAS, Section 5 of the North Carolina Constitution states that “It shall be the policy of the State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions... to control and limit the pollution of our air and water... and in every other appropriate way to preserve as part of our common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty”; and

NOW THEREFORE BE IT RESOLVED, that the Pasquotank County Board of Commissioners is greatly opposed to the disposal in Eastern North Carolina of fracking waste and byproducts from other areas of the state.

BE IT FURTHER RESOLVED, that the Pasquotank County Board of Commissioners urges the North Carolina General Assembly to maintain current laws in North Carolina that prevent hydraulic fracturing and horizontal drilling in the state and to take no action that would weaken these laws before a viable option for disposal of fracking waste is found that does not include Eastern North Carolina.

ADOPTED this 18th day of March, 2013.

9. REPORT FROM ASSISTANT COUNTY MANAGER:

Assistant County Manager Rodney Bunch stated that there have been discussions regarding stormwater recently. He said it has been suggested that former County Commissioner Bill Trueblood be asked to serve as an ad hoc non-voting member of the Stormwater Management Committee due to his knowledge and experience working with stormwater issues during his 12 years on the Board of Commissioners.

Motion was made by Frankie Meads, seconded by Joe Winslow to approve the appointment of Bill Trueblood as an ad hoc non-voting member of the Stormwater Management Committee. The motion carried 6-0.

10. CALENDAR:

The Clerk reviewed the calendar of upcoming meetings and events.

11. APPOINTMENTS TO BOARDS AND COMMITTEES:

Commissioner Cecil Perry presented the following recommendations from the Appointments Committee:

Elizabeth City Planning Board - Reappoint Lena Council to an additional four-year term.

Airport Authority - Appoint Don Parks, Jr. as Chairman for a two-year term. Reappoint Lloyd Griffin to an additional two-year term.

Chairman Dixon asked if there were any further nominations for these positions. There being none;

Motion was made by Frankie Meads, seconded by Cecil Perry to approve the appointments to boards and committees as recommended by the Appointments Committee. The motion carried 6-0.

12. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner William Sterritt reported that he attended a meeting of the Recreation Advisory Committee last week. He stated that Buck Jolly was elected Chairman of the committee and Herman Little was elected Vice-Chairman. He said they discussed budget issues and issues regarding Holmes Field, which is the baseball field behind the Senior Center. He stated that the field is used by College of The Albemarle, however due to the recent weather it has been too wet to use resulting in games having to be moved or rescheduled.

Commissioner Sterritt reported that the Governance Committee met a few days ago to discuss the protocol for the public forum that will be held on March 27 at Mount Carmel Missionary Baptist Church. He urged all members of the Board to attend the forum. He said this will be the first of four public forums and it is hoped the next one can be held at the Weeksville Lions Club.

Commissioner Perry reported that the Jail Commission met today and he does not believe they will be asking for a large increase in funding for the Jail in the upcoming year due to the revenue from housing federal prisoners. He added that the Jail Commission is also considering a salary increase for the Jail employees.

Commissioner Frankie Meads noted that he read in the newspaper yesterday that the area is possibly losing a \$230,000 grant for the airport. He asked if this is the money that the county gave to the city for the purchase of the property. County Manager Randy Keaton explained that the city and county each put up \$230,000 to do the engineering work on the property. It was hoped to eventually be paid back from the sale of the land. Mr. Keaton said what has to be paid back is the job credit which is the city's responsibility.

Vice-Chairman Joe Winslow reported that the Providence Volunteer Fire Department brought their new ladder truck for the Board to see today. He said the fire department is very happy to have that piece of equipment and was excited about showing it.

Chairman Dixon reported that the Personnel Committee met last Wednesday and began reviewing the county's Personnel Handbook and made some great strides. He said the committee will continue meeting to work on the handbook until it has been completed and approved by the Board.

13. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER:

Chairman Dixon asked for a motion that the Board enter Closed Session to discuss a personnel matter.

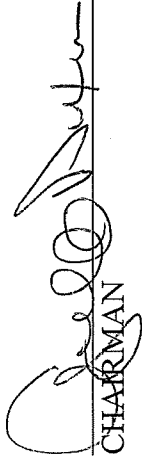
Motion was made by Joe Winslow, seconded by Frankie Meads that the Board enter Closed Session to discuss a personnel matter. The motion carried.

Upon the end of Closed Session;

Motion was made by Joe Winslow, seconded by Frankie Meads that the Board return to Regular Session. The motion carried.

Chairman Dixon asked for a motion to adjourn the meeting.

Motion was made by Joe Winslow, seconded by Frankie Meads to adjourn the meeting. The motion carried and the meeting was adjourned at 9:05 PM.


CHAIRMAN


CLERK TO THE BOARD